

Message Text

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FM AMEMBASSY ABIDJAN
TO SECSTATE WASHDC 9434

C O N F I D E N T I A L SECTION 1 OF 2 ABIDJAN 6219

E.O. 11652: GDS
TAGS: ETRD, IV
SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: STATE 136706

1. MANUFACTURE FOR EXPORT BEYOND LIMITED REGIONAL MARKETS IS NOT A SIGNIFICANT FACTOR IN THE IVORY COAST ECONOMY. AGRICULTURAL EXPORTS IN UNPROCESSED OR SEMI-PROCESSED FORM ARE THE PRINCIPAL FOREIGN EXCHANGE EARNERS. MANUFACTURES IN THE IVORY COAST ARE EITHER OF THE IMPORT-SUBSTITUTION VARIETY OR ARE INTENDED FOR WEST AFRICAN MARKETS. VERY FEW LOCAL INDUSTRIES, OTHER THAN THOSE PROCESSING AGRICULTURAL PRODUCTS, ARE DIRECTED AT NON-REGIONAL MARKETS.

2. THE FOLLOWING RESPONSES ARE KEYED TO PARA THREE OF REFTEL.

3. SLAVE, INDENTURED OR OTHER FORCED LABOR: VOLUME I, TITLE I, ARTICLE TWO OF THE CODE DE TRAVAIL EXPRESSLY FORBIDS FORCED LABOR OF ANY KIND. TO THE EMBASSY'S KNOWLEDGE, THERE IS NO FORCED LABOR IN IVORY COAST. THE IVORY COAST'S EARLY RESISTANCE TO FRENCH COLONIAL RULE WAS BUILT AROUND A MOVEMENT TO END THE COLONIAL SYSTEM OF FORCED LABOR.
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PRESIDENT FELIX HOUPHOUET-BOIGNY AND HIS COLLEAGUES IN THE PARTI DEMOCRATIQUE DE COTE D'IVOIRE (PDCI-RDA) WERE IN THE FOREFRONT OF THIS SUCCESSFUL EFFORT AND HAVE CONSISTENTLY OPPOSED THE CONCEPT OF FORCED LABOR EVER SINCE.

4. CHILD LABOR: VOLUME I, TITLE V, CHAPTER III,

ARTICLE 104 OF THE CODE DE TRAVAIL FORBIDS THE EMPLOYMENT OF CHILDREN AGED FOURTEEN OR BELOW IN BUSINESS OR INDUSTRIAL ENTERPRISES, EVEN AS APPRENTICES, EXCEPT IF SPECIFICALLY EXEMPTED BY GOVERNMENT ACTION. BUSINESS AND INDUSTRY ARE REQUIRED TO HIRE WORKERS THROUGH THE OFFICIAL LABOR EXCHANGE WHICH OSTENSIBLY ENFORCES THIS LAW. WHILE THERE MAY POSSIBLY BE A CERTAIN AMOUNT OF AGE FALSIFICATION OR EVEN COLLUSION BETWEEN EXCHANGE OFFICIALS AND PROSPECTIVE WORKERS, THE EMBASSY DOES NOT BELIEVE THIS IS WIDESPREAD. CHILD LABOR IS MORE PREVALENT IN THE AGRICULTURAL AND RETAIL COMMERCIAL SECTORS AND USUALLY INVOLVES FAMILY-RUN BUSINESSES. IN CASES WHERE EMPLOYMENT OF CHILDREN MIGHT BE APPROVED, MINISTRY OF LABOR INSPECTORS HAVE THE POWER TO ESTABLISH, IN CONJUNCTION WITH MEDICAL DOCTORS, WHETHER THE LABOR EXCEEDS THE PHYSICAL CAPACITY OF THE CHILD AND TO REQUIRE THE EMPLOYER TO EITHER GIVE THE EMPLOYEE AN EASIER JOB OR RELEASE HIM/HER WITH SEVERANCE PAY.

5. WORKER PROTECTION AGAINST TOXIC SUBSTANCES: VOLUME II, TITLES I AND II OF THE CODE DE TRAVAIL ENUMERATE THE MEASURES TO BE TAKEN BY EMPLOYERS TO PROVIDE ADEQUATE HEALTH AND SAFETY CONDITIONS. MINISTRY OF LABOR INSPECTORS, IN CONKNCION WITH A TECHNICAL CONSULTING COMMITTEE, ARE TASKED WITH ENFORCING THESE REGULATIONS. THE CODE DE CONFIDENTIAL

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TRAVAIL CONTAINS A LIST OF SPECIFIC SUBSTANCES WHICH ARE CONSIDERED TOXIC OR DANGEROUS TO THE HEALTH OF WORKERS. THE LIST INCLUDES TOXIC SUBSTANCES CITED IN PARA 3C OF REFTEL. THE CODE DE TRAVAIL ALSO CONTAINS A PROVISION PROHIBITING WORKERS AGED EIGHTEEN OR LESS FROM HANDLING TOXIC OR DANGEROUS MATERIALS.

6. IN PRACTICE IT DOES NOT APPEAR THAT THE MINISTRY OF LABOR FOLLOWS UP ON COMPLIANCE WITH HEALTH AND SAFETY LAWS EFFECTIVELY. PROBABLY THE PRINCIPAL FACTOR IN FAVOR OF SAFE WORKING CONDITIONS IS THE INTEREST OF THE EMPLOYER IN PRESERVING HIS INVESTMENT IN A TRAINED LABOR FORCE OR AT LEAST IN KEEPING HIS PRODUCTION LINE MOVING WITH A MINIMUM OF DISRUPTION. THE EMBASSY HAS SEEN NO INDICATIONS AND DOES NOT BELIEVE THAT THE IVORY COAST GOVERNMENT WOULD DELIBERATELY SUBJECT IVORIAN WORKERS TO HAZARDOUS CONDITIONS TO LOWER PRODUCTION COSTS. THE GOVERNMENT HAS CONSISTENTLY DEMONSTRATED CONCERN FOR THE WELFARE OF WORKERS, ESPECIALLY WITH A VIEW TO CONTINUING A PRODUCTIVE ERA OF RELATIVE LABOR AND SOCIAL PEACE. WORKERS ARE USUALLY QUITE AWARE OF THEIR RIGHTS AND, WHILE THEIR CONCERN FOR HEALTH AND SAFETY IS LESS

THAN FOR WAGES AND BENEFITS, THEY WOULD BE LIKELY TO REACT ADVERSELY TO SERIOUS OR OBVIOUS HEALTH THREATS. WHERE SERIOUS WORKER AGITATION ARISES, THE GOVERNMENT HAS MORE OFTEN THAN NOT COME DOWN ON THE SIDE OF WORKERS RATHER THAN MANAGEMENT. THUS, THE EMBASSY BELIEVES THAT POOR ENFORCEMENT OF HEALTH AND SAFETY LAWS IS DUE TO ADMINISTRATIVE INEFFICIENCY RATHER THAN A CONSCIOUS DECISION.

7. DIFFERENTIAL LABOR REGULATIONS/STANDARDS: THERE IS NO LAW OR PRACTICE THAT APPLIES DIFFERENTIAL LABOR REGULATIONS OR STANDARDS TO FREE TRADE ZONES, EXPORT INDUSTRIES OR TARGET IMPORT SUBSTITUTION INDUSTRIES. FURTHER, THE EMBASSY DOUBTS THAT SUCH POLICIES WILL CONFIDENTIAL

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BE ADOPTED BY THE GOIC IN THE NEAR FUTURE. IVORIAN WORKERS, BY COMPARISON TO OTHER AFRICAN COUNTRIES, ARE RELATIVELY WELL PAID AND RECEIVE NUMEROUS, WELL ADMINISTERED BENEFITS. NEVERTHELESS, IT CAN BE ASSUMED THAT THE GOVERNMENT COULD AND WOULD CURB LABOR DEMANDS IF IT PERCEIVED A SERIOUS THREAT TO POTENTIAL FOREIGN INVESTMENT OR TO THE VIABILITY OF CRITICAL EXISTING INDUSTRIES. TO DO THIS ON A SELECTIVE BASIS IN ORDER TO FOSTER EXPORT INDUSTRIES, HOWEVER, WOULD POSE PROBLEMS. THE LAW FOR COLLECTIVE BARGAINING WOULD HAVE TO BE REVISED OR THE GOVERNMENT WOULD HAVE TO DEVISE SOME DEVIOUS MANIPULATION OF THAT LAW TO FAVOR EXPORT INDUSTRIES. EITHER MOVE COULD, IN THE EMBASSY'S OPINION, SERIOUSLY THREATEN THE CAREFULLY P
CONSTRUCTED LABOR PEACE. IVORIAN WORKERS ARE ACUTELY AWARE OF THEIR RIGHTS UNDER EXISTING LAW. OVER NON-WAGE ISSUES AT THE INDIVIDUAL INDUSTRY LEVEL, THEY OR THEIR STEWARDS ARE WILLING AT THE DROP OF A HAT TO DEMAND CONSULTATIONS WITH EMPLOYERS. IT IS DOUBTFUL THAT THEY WOULD STAND BY AND ACCEPT LESSER WAGE AND BENEFIT INCREASES IF THEY HAPPEN TO BE IN AN EXPORT INDUSTRY AND

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THEIR COLLEAGUES ELSEWHERE ARE PROFITING FROM COLLECTIVE BARGAINING. AND IT IS DOUBTFUL THAT THE IVORIAN GOVERNMENT WOULD RISK CREATING THAT KIND OF LINGERING LABOR VOLCANO AS LABOR STRIFE BASED ON BLATANT AND DELIBERATE SALARY INEQUITIES COULD NECESSITATE SEVERE REPRESSIVE MEASURES. THE GOVERNMENT, WHICH HAS "DIALOGUE" AS ITS BY-WORD, DOES NOT LIKE TO BE FACED WITH THAT KIND OF CHOICE. IN THE LONG RUN, THE REGIME WOULD SIMPLY HAVE TOO MUCH TO LOSE, INCLUDING, PERHAPS, ITS BASIC INTERNAL STABILITY AND THE VERACITY OF ITS POLITICAL PHILOSOPHY.

8. GENERAL BACKGROUND ON LABOR RELATIONS IN THE IVORY COAST: TRADE UNIONISM IS GUARANTEED BY LAW. SINCE 1962, ALL TRADE UNIONS MUST BELONG TO THE UNION GENERALE DES TRAVAILLEURS DE COTE D'IVOIRE (UGTCI), THE ONLY LEGAL UMBRELLA UNION. IN THEORY THE UGTCI REPRESENTS ALL NON-AGRICULTURAL LABOR, INCLUDING CIVIL SERVANTS. IN PRACTICE, ONLY ABOUT 50,000 OF THE ESTIMATED 300,000 TO 350,000 WORKERS IN THE NON-AGRICULTURAL SECTOR PAY DUES. THIS IS IN ADDITION TO APPROXIMATELY 50,000 CIVIL SERVANTS. ON PAPER THE UGTCI IS INDEPENDENT OF GOVERNMENT CONTROL. IN REALITY, IT IS CONTROLLED, ALBEIT IN A SUBTLE WAY, BY A VARIETY OF DEVICES, INCLUDING
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INVOLVEMENT OF TOP UGTCI LEADERS IN PARTY AND GOVERNMENT ORGANS AND BY A MUCH-TOUTED IDEOLOGICAL ALLIANCE WITH THE PARTY. THE SECRETARY-GENERAL OF THE UGTCI, FOR INSTANCE, IS A MEMBER OF THE POLITICAL BUREAU OF THE PARTY. THE UGTCI AND THE GOVERNMENT/PARTY WORK TOGETHER CLOSELY TO MAINTAIN LABOR PEACE. THE GOVERNMENT PROVIDES A SUBSIDY TO THE UGTCI AND GENERALLY REACTS WITH COMPASSION TO LABOR GRIEVANCES. THE UGTCI, FOR ITS PART, STRIVES TO PREVENT SERIOUS DISRUPTIONS OF THAT PEACE BY OVERZEALOUS WORKERS. AT THE SAME TIME, LABOR LEADERS IN GOVERNMENT OR PARTY HAVE BEEN REASONABLY SUCCESSFUL IN CONVINCING POLITICAL LEADERS TO ACCEDE TO

LABOR DEMANDS.

9. COLLECTIVE BARGAINING IS CURRENTLY CARRIED OUT BY THREE-WAY NEGOTIATIONS BETWEEN THE MINISTRY OF LABOR, THE UGTCI, AND ASSOCIATION INTERPROFESSIONELLE DES EMPLOYEURS DE COTE D'IVOIRE (AICI). ALL EMPLOYERS IN IVORY COAST ARE OBLIGED TO BELONG TO THE AICI, WHICH REPRESENTS THEM AS A GROUP AT THE BARGAINING TABLE. WAGE AND BENEFIT INCREASES ARE NEGOTIATED FOR BROAD CATEGORIES OF WORKERS RATHER THAN INDUSTRY BY INDUSTRY. INDIVIDUAL BUSINESS OR INDUSTRIAL CONCERNS DO NOT ENGAGE IN COLLECTIVE BARGAINING WITH THEIR LOCAL UNIONS EXCEPT IN CASES OF PAROCHIAL LABOR GRIEVANCES. ONCE AGREEMENT IS REACHED AT THE BARGAINING TABLE, THE GOVERNMENT IS OFFICIALLY NOTIFIED AND THE WAGE AND BENEFIT INCREASES ARE PUBLISHED.

10. THE COLLECTIVE BARGAINING PROCESS IS CLEAR CUT ON PAPER. IN REALITY, THE UGTCI, THROUGH ITS WORKING COMMISSIONS, DRAWS UP LABOR'S LIST OF DEMANDS WITH CONSIDERABLE PREKNOWLEDGE OF WHAT THE GOVERNMENT WILL CONFIDENTIAL

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OR WILL NOT BUY. WITH DEMANDS IN HAND, THE UGTCI CONSULTS WITH GOVERNMENT IN PRIVATE TO ENSURE A HARMONY OF VIEWS. THE AICI THEORETICALLY FORMULATES ITS BARGAINING POSITION THROUGH CONSULTATIONS WITH MEMBER EMPLOYERS OR EMPLOYER GROUPS (BY INDUSTRY). THERE IS SOME EVIDENCE, HOWEVER, THAT THE AICI MAY BE CONTROLLED BY A FEW OF THE MOST PRESTIGIOUS FRENCH INDUSTRIALISTS AND DOES NOT ALWAYS CONSULT WITH ALL MEMBERS BEFORE OR DURING COLLECTIVE BARGAINING. IT IS HIGHLY PROBABLE THAT AICI LEADERS ARE ALSO AWARE OF THE GOVERNMENT/UGTCI POSITION BEFORE BARGAINING BEGINS.

11. STRIKES ARE NOT STRICTLY OUTLAWED. THE CODE DE TRAVAIL, HOWEVER, DICTATES MEDIATION, ARBITRATION AND "COOLING-OFF" MEASURES WHICH ARE OBLIGATORY FOR WORKERS, AS WELL AS FOR EMPLOYERS WHO CONSIDER LOCKOUTS. THERE IS A GRAY AREA IN THE LAW IN CASES WHERE THESE MEASURES HAVE FAILED TO BRING AGREEMENT. VOLUME I, TITLE VIII, CHAPTER II, SECTION V OF THE CODE DE TRAVAIL DOES, HOWEVER, GIVE THE PRESIDENT OF THE REPUBLIC THE RIGHT TO FORBID STRIKES AND LOCKOUTS IN INSTANCES WHERE THE PARTIES CANNOT COME TO AN AGREEMENT AND WHERE HE DEEMS THE PUBLIC ORDER AND GENERAL INTEREST TO BE THREATENED. COMPULSIVE ARBITRATION IS IMPOSED AT THIS POINT.

12. IN PRACTICE, THE IVORIAN GOVERNMENT DOES NOT CONDONE

STRIKES. THE UGTCI DOES NOT ADVOCATE STRIKES BUT RATHER WORKS ACTIVELY TO PREVENT PROLONGED STRIKES OR SYMPATHY STRIKES FROM EVOLVING FROM WILDCAT WORK STOPPAGES. SHOP STEWARDS AND LOCAL UNION LEADERS ARE ENJOINED TO RESOLVE DIFFERENCES WITH EMPLOYERS WITHOUT OUTSIDE INTERVENTION. IF THAT DOES NOT WORK, TROUBLESHOOTERS FROM THE CENTRAL UNION ORGANIZATION STEP INTO THE PICTURE. THE NEXT STEP WOULD BE INVOLVEMENT OF MINISTRY OF LABOR OFFICIALS. SERIOUS STRIKES ARE INVARIABLY RESOLVED AT CONFIDENTIAL

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THIS LEVEL. IF THE MINISTRY OF LABOR CAN FIND ANY JUSTIFICATION FOR WORKERS' GRIEVANCES, IT VERY OFTEN COMES DOWN HARD ON THE EMPLOYER. THIS HAS EVEN GONE TO THE EXTREME OF FORCED DEPORTATION OF EXPATRIATE SUPERVISERS. ON THE OTHER HAND, IF THE WORKERS' GRIEVANCES ARE GROSSLY UNJUSTIFIED OR IF THE MINISTRY HAS DECIDED THE CASE AND WORKERS STILL REFUSE TO CEASE STRIKING, THE GOVERNMENT WILL OFTEN CALL IN THE POLICE TO RESTORE ORDER. IN THE PAST FEW YEARS THERE HAVE BEEN A CONSIDERABLE NUMBER OF WORK STOPPAGES OVER PAROCHIAL ISSUES. NONE HAVE DEVELOPED INTO PROLONGED STRIKES, ALTHOUGH THE GOVERNMENT HAS HAD SOME DIFFICULTY IN A FEW CASES. THE EMBASY WAS RECENTLY INFORMED BY A LOCAL AMERICAN FIRM THAT, IN ITS EXPERIENCE, DISSATISFIED WORKERS PREFER TO UTILIZE SLOWDOWNS AND EQUIPMENT SABOTAGE RATHER THAN GET ENMESHED IN THE UNCERTAINTY OF THE STRIKE LAWS. STEARNS

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